

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA OAKLAND, CALIFORNIA 94612-2033

Oakland Public Works Department
Bureau of Engineering & Construction

(510) 238-3961
FAX (510) 238-6428
TDD (510) 238-7644

Date: June 18, 2014
To: Mayor's Commission on Persons with Disabilities (MCPD) and Commission on Aging (CoA) Joint Access Compliance Advisory Committee
Attn: Scott Blanks (MCPD) ACAC Co-chair
Donna Murphy (CoA) ACAC Co-chair
From: Kevin Kashi, Supervising Civil Engineer, OPW
CC: Stephen Beard, Chairperson, MCPD
Gus Amirzehni, Engineering, Design, and Right-of-Way Manager, OPW
Sherri Rita, Acting ADA Projects Coordinator, OPW
Re: DRAFT Biannual Curb Ramp Activities Report: July thru December, 2013

INTRODUCTION

This draft report provides information about the City's curb ramp activities for the six-month period beginning July 1, 2013 and ending December 31, 2013. The draft report provides updates on implementation of City's ADA Curb Ramp Transition Plan and construction/reconstruction of curb ramps by the City or others.

Oakland Public Works Department (OPW), Bureau of Engineering and Construction (BEC), administers the City's curb ramp programs. The Right of Way Management (ROWM) Division in BEC is responsible for developing curb ramp standards that will be applicable to all public right of way improvements under the City's jurisdiction, including work performed by the City and others (private developers, utility companies, etc.). ROWM administers the City's on-call and infill (corridor) curb ramp construction budgets, inspects curb ramp construction by the City or others, and maintains the City's curb ramp Geographic Information System (GIS) database.

The ADA Programs Division in BEC develops citywide ADA policy, including the ADA Curb Ramp Transition Plan (2009), and provides direct support, technical assistance, and monitoring for BEC right-of-way access compliance activities. The Mayor's Commission on Persons with Disabilities (MCPD) acts as the City's designated ADA advisory body and receives biannual Curb Ramp Activities reports from ROWM.

BACKGROUND

ADA Title II regulations require that when structural changes to facilities are necessary to achieve program accessibility, a public entity that employs 50 or more persons must develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes. That plan is to identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities, describe in detail the methods that will be used to make the facilities accessible, specify the schedule for

taking the steps necessary to achieve compliance, and designate the official who is responsible overseeing compliance.

If a public entity has responsibility or authority over streets, roads, or walkways, then the transition plan must also include a schedule for providing curb ramps or other sloped areas where pedestrian pathways (sidewalks) cross curbs, giving priority to walkways serving entities covered by the ADA, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas [28 C.F.R. § 35.150(d)(2)].

Soon after passage of the ADA, the City recognized that it would take some time to complete a curb ramp transition plan, which requires construction of ramps at approximately 18,122 locations (current total). Curb ramp locations are counted individually. Certain street corners will accommodate dual (two) directional ramps and will be counted as two locations. Other street corners will accommodate only one diagonal or directional ramp and will be counted as one location. The total number of possible curb ramp locations increases when existing diagonal curb ramps are replaced with dual directional ramps; when newly improved streets are added to the City's curb ramp database; and when corrections and updates are made to the original curb ramp database.

CURB RAMP TRANSITION PLAN TIMELINE

In Fiscal Year 1990-91, the City launched the On-Call Curb Ramp Program to ensure access for people with disabilities living and working in Oakland during the lengthy transition period. The Program is currently funded by the City's general fund and state gas tax funds. The On-Call Curb Ramp Program constructs curb ramps on an individual basis in response to requests from qualified persons with disabilities. Generally, requests come from residents with disabilities who wish to accommodate their activities of daily living.

In January 1996, the City prepared its transition plan with respect to buildings and facilities. The 1996 Buildings and Facilities Transition Plan included curb ramp needs for off-street facilities and priorities for curb ramp installation at existing street corners. The Buildings and Facilities Transition Plan incorporated by reference a citywide curb ramp survey completed in 1994. Another citywide curb ramp survey was completed in 2002. The City operated robust curb ramp programs from 1996 to 2007 but no formal changes were made to the 1996 Plan.

Pursuant to *Fairfield v. Oakland* (2007), the ADA Programs Division developed a separate ADA Curb Ramp Transition Plan to formalize long-standing curb ramp policies, practices and procedures and to adopt new ones as necessary to substantially comply with federal mandates. The ADA Curb Ramp Transition Plan was adopted by Council resolution on May 5, 2009.

In 2013, OPW adopted the latest State of California, Department of Transportation (Caltrans) Standard Plans and Details for all ADA features such as curb ramps, disabled parking zones, and passenger loading zones constructed or reconstructed in the public right of way under the City's control or jurisdiction.

THE CURB RAMP TRANSITION PLAN

Under the Curb Ramp Transition Plan, the City commits to install 500 curb ramps, and anticipates that others will install 150 curb ramps, on an average annual basis. The City conducts curb ramp infill activities using a corridor-based approach.

The following location (land use) priorities for curb ramp infill activities are based upon U.S. Department of Justice ADA Title II Regulations, the City of Oakland General Plan (1998), and best practices of other jurisdictions:

- Tier 1: Transit streets and centers
- Tier 2: Public facilities
- Tier 3: Privately-owned public accommodations
- Tier 4: Locations that do not fall into any of the above groups but are within 100 feet of a sidewalk route.
- Tier 5: Locations that do not fall into any of the above groups and are greater than 100 feet from a sidewalk route. These locations are neither counted as “possible locations” nor scheduled for improvement.

In addition to continuing to administer the On-Call Curb Ramp Program, the City conducts various capital improvement programs under which curb ramps are constructed or reconstructed, such as streetscaping, street resurfacing, and sidewalk repair projects. Curb ramp construction and reconstruction is also completed through private improvements inspected by City staff.

STATUS OF CURB RAMP TRANSITION PLAN, JULY-DECEMBER 2013

Staff continues to respond to requests from residents requiring access within a 120-day timeline by installing ADA ramps along the path of travel and making sidewalk repairs. In 2014, ROWM developed new GIS mapping tools for tracking curb ramp inventory and making updates to curb ramp locations. Attachment 1 is an example of a tool that may be made available to the public to assist with trip planning. ROWM will be conducting a new curb ramp survey as part of the City’s update to its Buildings and Facilities Transition Plan, which will take place in Fiscal Year 2014-2015. The last curb ramp survey was conducted in 2002.

Findings set forth in the City of Oakland’s 2012 Infrastructure Report, released in January 2013, will also impact planning and priorities going forward. The report estimated the construction of a standard curb ramp (not involving interference from utilities or other structures) costs \$2000.00. According to this report, approximately \$660,000.00 of Measure B (Fund 2211) is spent per year on the dedicated program for curb ramp upgrades and construction. Additional curb ramp upgrades and construction are undertaken as part of larger projects. An estimated \$27 million would be required to correct citywide curb ramp deficiencies at all locations (as of January 2013). At the current levels of funding, and assuming no additional curb ramp locations are identified, the City estimates completion of its curb ramp system in 18 years.

The tables on the following pages contain data provided by OPW Right of Way Management in June 2014 to summarize its curb ramp activities through December 2013. The data presented herein should be reviewed with the following considerations in mind:

- Numbers may not reflect current field conditions or include all curb ramps constructed or reconstructed to date as surveying and data collection is ongoing.

- The total number of curb ramps reported represent only confirmed locations. There is typically a lag time between the time curb ramps are constructed and the time they are reported and confirmed.
- Curb ramp locations identified as compliant are those that were deemed visually compliant as of 2002 or where curb ramps have been constructed or reconstructed since 2002; locations identified as non-compliant (non-existent or deteriorated curb ramps) includes locations that were considered visually non-compliant as of the 2002 survey.
- From Fiscal Year 2008-2009 through Fiscal Year 2012-2013, the average number of curb ramps constructed by the City and private development combined is 540, 110 less than the commitment to constructing 650 per year as set forth in the Curb Ramp Transition Plan. This lower number may be the result of the current curb ramp budget level of \$660,000.00 per year as of Fiscal Year 2012-2013, and current economic conditions affecting private development.

Table 1: Citywide Curb Ramp Status All Locations

	July 2013	Change	Dec 2013	Dec 2013 Percent of Total Locations
Compliant Curb Ramp Locations	7,830	+306 (135+73+98)	8,136	45%
Outdated Curb Ramp Locations	2,246	-135 (previously designated as visually compliant in the original survey. Work included domes, slope correction or reconstruction)	2,111	12%
No Curb Ramp Locations	8,014	-73 (previously designated location with an ID number and a curb but without a visually compliant ramp) -98 (previously designated location with an ID number without a curb or a ramp)	7,843	43%
New Curb Ramps		32 (additional ramps were installed to accommodate access and the path of travel at crossings)	32	
Total Locations	18,090		18,122	100%

See **Attachment 1:** *Citywide Curb Ramp Program Update Map as of December 2013.*

Table 2A: Summary of Curb Ramps Constructed or Reconstructed Annually Since 2009

Fiscal Year	City	Others	Total
2008-2009	300	216	566
2009-2010	435	140	575
2010-2011	553	6	559
2011-2012	478	0	478
2012-2013	501	23	524
2013-2014	338* July – Dec 2013	0	338 a) 135 existing ramps with ID numbers were upgraded b) 171 (73+98) locations with ID numbers received ramps c) 32 ramps with new ID numbers were added to the inventory to address path of travel
Totals	2605	385	3040

*As of June 2014, in Fiscal Year 2013-2014, a total of 560 ramps have been installed pursuant to 20 different city projects.

Table 2B: Five-Year Summary, FY 2008/09-FY 2012/13

Required Number of Curb Ramps to be Constructed FY 2008/09-FY 2012/13 (as per 2009 Curb Ramp Transition Plan)	FY 2008/09-FY 2012/13 Total Curb Ramps Constructed/Reconstructed	Difference
3250	2702	548

Table 3: Projects with Curb ramps (tracking table)

City Fund #	Project #	Project Description	# of Ramps Proposed	# of Ramps Built Dec. 2013	Est. unit Cost	Curb Ramp Budget	Status Dec. 2013	PM
Measure B-ACTIA	C427410	Citywide Street Reconstruction and Rehabilitation	138	150	\$ 2,000	\$ 276,000	Construction	JM
Measure B -ACTIA and Measure F	C369630	Citywide Resurfacing	135	135	\$ 2,000	\$ 270,000	Construction	AL
ORA / Measure B / ARRA	G313110	7th Street between Union and Peralta St	25	25	\$ 2,000	\$ 50,000	Completed	MB
Measure B-ACTIA	C428011	Citywide Curb Ramp and Sidewalk Repair	442	17	\$ 2,000	\$ 884,000	Construction	JM
Measure DD	C241610	12th Street from E18th to Oak	11	11	\$ 2,000	\$ 22,000	Completed	JH
ORA	P233285	East 18th Street from Lakeshore Avenue to 4th Ave.; Bulb-outs, crosswalk and signals along Park Blvd at E. 19th, Newton Ave, and E. 21st St.	9	9	\$ 2,000	\$ 18,000	Completed	KL
ORA	P233282	Foothill Blvd. Between 35th Ave and High Street	6	6	\$ 2,000	\$ 12,000	Completed	MB
Watershed and Storm water	G444210	Various sites in West Oakland (Ettie Street Watershed)	4	4	\$ 2,000	\$ 8,000	Completed	RT
Caltrans DOT	G381113	Lancaster Street between Glascock and Chapman Streets. And Chapman Street between Lancaster to the dead end (at UPRR)	2	2	\$ 2,000	\$ 4,000	Completed	KL
Building and Facilities	G44410, G421610	1520 Lakeside Drive	2	2	\$ 2,000	\$ 4,000	Completed	JH
Measure DD	C422210	Lake Merritt Retaining Wall Repair	1	1	\$ 2,000	\$ 2,000	Completed	DL
Measure B-ACTIA	C428012	Citywide Curb Ramps and Sidewalk Repair	280		\$ 2,000	\$ 560,000	Bid and Award	KK
Measure B-ACTIA	C369650	Citywide Street Reconstruction and Rehabilitation	94		\$ 2,000	\$ 188,000	Bid and Award	JM
Prop 1C	C366920	Coliseum Transit Village - Street Improvements on Snell from 69th to 71st Ave; on Lion Way from 70th to 71st Ave	4		\$ 2,000	\$ 8,000	Bid and Award	KL
ORA	P402310	Street Improvements on 14th Ave from E 8th St to E 27th St	30		\$ 2,000	\$ 60,000	Design	KL
ORA	C435410	Foothill Blvd - Phase II	23		\$ 2,000	\$ 46,000	Design	MB
ORA	C429610	Foothill / Seminary street improvement	23		\$ 2,000	\$ 46,000	Design	MB
ORA	P400210	Foothill/ High/ Melrose street improvement	35		\$ 2,000	\$ 70,000	Design	MB
Measure B-ACTIA	C369640	Citywide Resurfacing	163		\$ 2,000	\$ 326,000	Design	JM
2163	P414210	Peralta / MLK street improvement	50		\$ 2,000	\$ 100,000	Design	MB
Measure DD, DOT	C277110	Lake Merritt Channel at 10th Street	2		\$ 2,000	\$ 4,000	Design	PM
5643	C464570	Old Oakland Streetscape	6		\$ 2,000	\$ 12,000	Design	PM

Measure B ACTIA / DOT	G347210 - H83210	23rd Avenue Bridge Retrofit	0		\$ 2,000	\$ 0	Design	NR
Measure B ACTIA / DOT	G121810	Embarcadero Bridge Replacement	3		\$ 2,000	\$ 6,000	Design	NR
Measure B -ACTIA and Measure F	C369650	Citywide Resurfacing	80		\$ 2,000	\$ 160,000	Design	JM
Measure B -ACTIA and Measure F	G427430	Citywide Resurfacing	80		\$ 2,000	\$ 160,000	Design	JM
State Dept. of housing and community	C464540	Street rehab. 17th street between Castro , Lakeside, Jackson	27		\$ 2,000	\$ 54,000	bid and award	KL
2163	TBD	7th Street - Phase II street improvement	25		\$ 2,000	\$ 50,000	Design	MB
			1700	362	\$1,102,000			

Table 4: Curb Ramps Constructed Under Active Corridor Improvement Contracts

City Fund #	Project #	Project Description	# of Ramps Proposed	# of Ramps Dec. 2013	Est. unit Cost	Curb Ramp Budget	Status Dec. 2013	PM
Measure B-ACTIA	C427410	Citywide Street Reconstruction and Rehabilitation	138	150	\$2,000	\$276,000	Construction	JM
Measure B -ACTIA and Measure F	C369630	Citywide Resurfacing	135	135	\$2,000	\$270,000	Construction	AL
Measure B-ACTIA	C428011	Citywide Curb Ramp and Sidewalk Repair	442	17	\$2,000	\$884,000	Construction	JM

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Table 5: Upcoming Curb Ramp Projects

City Fund #	Project #	Project Description	# of Ramps Proposed	# of Ramps Built Dec. 2013	Est. unit Cost	Curb Ramp Budget	Status Dec 2013	PM
Measure B-ACTIA	C428011	Citywide Curb Ramp and Sidewalk Repair	425		\$ 2,000	\$ 884,000	Construction	JM
Measure B-ACTIA	C428012	Citywide Curb Ramps and Sidewalk Repair	280		\$ 2,000	\$ 560,000	Bid and award	KK
Measure B-ACTIA	C369650	Citywide Street Reconstruction and Rehabilitation	94		\$ 2,000	\$ 188,000	Bid and Award	JM
Prop 1C	C366920	Coliseum Transit Village - Street Improvements on Snell from 69th to 71st Ave; on Lion Way from 70th to 71st Ave	4		\$ 2,000	\$ 8,000	Bid and Award	KL
ORA	P402310	Street Improvements on 14th Ave from E 8th St to E 27th St	30		\$ 2,000	\$ 60,000	Design	KL
ORA	C435410	Foothill Blvd - Phase II	23		\$ 2,000	\$ 46,000	Design	MB
ORA	C429610	Foothill / Seminary street improvement	23		\$ 2,000	\$ 46,000	Design	MB
ORA	P400210	Foothill/ High/ Melrose street improvement	35		\$ 2,000	\$ 70,000	Design	MB
Measure B-ACTIA	C369640	Citywide Resurfacing	163		\$ 2,000	\$ 326,000	Design	JM
2163	P414210	Peralta / MLK street improvement	50		\$ 2,000	\$ 100,000	Design	MB
Measure DD, DOT	C277110	Lake Merritt Channel at 10th Street	2		\$ 2,000	\$ 4,000	Design	PM
5643	C464570	Old Oakland Streetscape	6		\$ 2,000	\$ 12,000	Design	PM
Measure B ACTIA / DOT	G347210 - H83210	23rd Avenue Bridge Retrofit	0		\$ 2,000	\$ 0	Design	NR
Measure B ACTIA / DOT	G121810	Embarcadero Bridge Replacement	3		\$ 2,000	\$ 6,000	Design	NR
Measure B -ACTIA and Measure F	C369650	Citywide Resurfacing	80		\$ 2,000	\$ 160,000	Design	JM
Measure B -ACTIA and Measure F	G427430	Citywide Resurfacing	80		\$ 2,000	\$ 160,000	Design	JM
State Dept. of housing and community	C464540	Street rehab. 17th street between Castro , Lakeside, Jackson	27		\$ 2,000	\$ 54,000	bid and award	KL
2163	TBD	7th Street - Phase II street improvement	25		\$ 2,000	\$ 50,000	Design	MB

1665

327

\$3,330,000

CONCLUSION

The City of Oakland 2009 ADA Curb Ramp Transition Plan was based on a 2002 survey. The City's shifting physical landscape means that information that was captured in 2002 may no longer be an accurate basis for projecting what improvements need to be made to the public right of way for persons with disabilities. Ongoing fiscal challenges facing both the City and private developers has resulted in falling short of the commitment to construct or reconstruct an average of 650 curb ramps per year. At the current funding levels, and based only on the information as it was known in 2002, completion of the Curb Ramp Transition Plan could be

completed in 18 years. In order to update its curb ramp inventory and project current needs, ROWM, in partnership with the ADA Programs Division, has plans to undertake a new curb ramp survey which will inform the development of an updated Buildings and Facilities Transition Plan, scheduled for completion by Fall 2015.